

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

v.

DAVID SIDOO et al.,

Defendants.

Case No. 19-cr-10080-NMG

*Leave to File Partially Under Seal
Granted on June 8, 2020 (ECF No. 1279)*

**DEFENDANT ELISABETH KIMMEL’S ASSENTED-TO MOTION
TO MODIFY HER CONDITIONS OF RELEASE**

At Elisabeth Kimmel’s initial appearance on March 29, 2019, this Court imposed standard conditions of release for Mrs. Kimmel. Specifically, the Court ordered that “[t]he defendant must: avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: co-defendants (unless in the presence of counsel) [and] [e]xcluding family members [with the admonition that they] should not discuss [the] substance of [the] case.” ECF # 258.

In its May 30, 2019 automatic discovery letter, the government identified over one hundred alleged unindicted co-conspirators. By letter to defense counsel on July 1, 2019, the government listed over two hundred additional individuals with whom the defendants were not to have contact.

Although Mrs. Kimmel did not recognize the vast majority of the over three hundred names the government identified, Mrs. Kimmel did recognize the names of several people, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After receiving the July 1, 2019 letter, counsel for Mrs. Kimmel spoke by telephone with counsel for the government and confirmed via email that the government did not intend to prohibit all communications with the individuals on the list with whom Mrs. Kimmel communicates for personal or business reasons, but rather wanted to ensure that there was no communication by defendants with any of the listed individuals about the allegations in the operative indictment. This agreement and understanding with the government was not subsequently presented to or adopted by the Court.

Consistent with the government's agreement, Mrs. Kimmel respectfully requests that the Court modify her conditions of release to permit contact with these four individuals, who may also be potential witnesses as identified by the government, as long as such contact does not involve communications about the allegations in the indictment. The government assents to this motion.

DATED: June 8, 2020

Respectfully submitted,

/s/ Eóin P. Beirne

R. Robert Popeo (BBO # 403360)
Mark E. Robinson (BBO # 423080)
Eóin P. Beirne (BBO # 660885)
Cory S. Flashner (BBO # 629205)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1605 (telephone)
(617) 542-2241 (fax)
rpopeo@mintz.com
mrobinson@mintz.com
ebeirne@mintz.com
csflashner@mintz.com

Counsel for Elisabeth Kimmel

LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that I conferred with counsel for the government in an attempt to resolve or narrow the issues raised by this motion, and the government assents to this motion.

/s/ Eóin P. Beirne
Eóin P. Beirne (BBO # 660885)

CERTIFICATE OF SERVICE

I, Eóin P. Beirne, hereby certify that on June 8, 2020, this document, filed through the CM/ECF system, will be sent electronically to all registered participants in this matter as identified on the Notice of Electronic Filing (NEF).

/s/ Eóin P. Beirne
Eóin P. Beirne (BBO # 660885)